

TOWN OF WEST HARTFORD – PUBLIC HEARING 6:40 P.M.
ORDINANCE AMENDING ZONING MAP of THE TOWN OF WEST HARTFORD
JANUARY 14, 2014
LEGISLATIVE CHAMBERS

Public hearing was called to order at 6:50 p.m.

President Slifka: Good evening. I'd like to call the 6:40 Public Hearing to order, which is regarding an Ordinance amending the Zoning Map of the Town of West Hartford. Can I have a roll call, please, Ms. Labrot?

Present were Councilors Chris Barnes, Harry Captain, Judy Casperson, Leon Davidoff, Burke Doar, Denise Hall, Clare Kindall and Scott Slifka. Absent: Shari Cantor. Mr. Gordon sat in for Ms. Cantor.

President Slifka: Thank you, Ms. Labrot. I just want to note Ms. Cantor's out because of an illness in the family and before we begin the first of four Public Hearings, since I know we have a lot of people in the audience, just to make clear sort of how this will proceed - there's four different Hearings tonight. Some may be short, some may be long. It's, I think, fair to say that two are somewhat related. We'll get into that later and then two are completely unrelated. You may be here for one or more of them and so if, we're, we're going to speak about one, we're going to proceed in the order of that they've been noticed but you may not have a role to play in the first Hearing or the second Hearing or the third but we will get to it eventually. After the Hearings are over tonight, presuming that they are closed and the Council is then legally allowed to vote on them in the regular meeting, which would be scheduled to start at 7:30 but that depends on the length of these Hearings, those items would then be taken up and voted on by the Council at that time, so I just want people to be familiar with the procedures. There are signup sheets here on the right if you didn't know about that if you intend to speak and there, you'll notice there's four different ones so make sure that you, you get the right one but if you make a mistake, don't worry about it. If you sign up for the wrong one and you realize you want to speak to the one we're on at the moment, just raise your hand and we'll allow you to come up. So with that, I will begin with the presentation from the Administration to be done by Mr. Alair.

Mr. Alair: Good evening. The first Ordinance on your Agenda is an Ordinance to amend the Zoning Map of the Town of West Hartford. We don't do this very often outside of Special Development Districts and that sort of thing but, as most of you know, what has sort of triggered this is a specific situation that occurred at the intersection of Bishop Road and Farmington Avenue. Just to give you a bit of background, along Farmington Avenue and in the case of Bishop Road, I haven't checked all of the other parcels but in the case of Bishop Road, going back to 1926 when we first adopted zoning, that corridor has been zoned in a variety of different ways, all of which essentially permit multi-family dwellings. In the late 1980s, some of the properties and, by the way, just because it's zoned multi-family doesn't mean that's how it actually ended up being developed. In the 20s and 30s and 40s, we didn't distinguish between multi- and single-family zones as we do today, so you often had single-family homes developed in a zone that allowed for a multi-family. In the late 1980s in that corridor, we had a

number of single-family homes, homes that had been developed initially as single-family homes and a few multi-family homes that were beginning to get a bit dated, falling into disrepair, were not quite as marketable as we would've liked, and the idea was proposed as part of the plan of development to allow those homes to be rezoned to what we would call an RM-0 zone, which would allow the first floor to be used as office space, the idea being that Farmington Avenue had become essentially a commercial corridor and that some office use along that corridor was appropriate. The Ordinance was adopted and in these six specific situations, what happened was the house or the lot immediately behind, down the side street from that lot that was rezoned RM-0, was not rezoned at the same time. It was either, it was essentially left as it had been, a multi-family residential lot. So what you had is a series of six situations with an RM-0 on Farmington Avenue, yeah, RM-0 on Farmington Avenue, a multi-family lot, one lot, and then the rest of the street, which had developed as a single-family residential zone. Because of the way the RM-0 Ordinance is written and the RM, the multi-family zone Ordinances are written, what we have on Bishop Road is a situation where a developer has purchased two lots, has combined them, and is able to propose a multi-unit, essentially apartment buildings. That application is pending. This Ordinance will not change that. Let me be clear. This Ordinance cannot trump a pending Application. By State Statute, that is absolutely unquestionable. However, it brought to our attention that when the Council adopted the RM-0 zone, we believe that at least implicit in what the Council did was the assumption that it was dealing with single lots and that the intention was to make those individual lots more viable. We don't believe that the Ordinance contemplated combining these lots with other lots. However, it doesn't prohibit it and the wording of the Ordinance essentially allows for this. I mean, in essence, it was not contemplated at the time. So what we're doing is we are taking those lots that are one in from Farmington Avenue, those individual, multi-family lots that could be combined with the lot next to them, the RM-0 lot next to them, and have a duplication of that, of the Bishop Road situation, and we're changing them to single-family zones to match the rest of the street beyond them. In other words, taking away the ability to use them for multi-family purposes. As I've said, it doesn't change the Bishop Road situation. That application is pending. However, the Ordinance is proposed to be applied to that parcel and the reason for that is if this applicant withdrew his application tomorrow, which is a possibility, or if he got it approved but chose not to pursue it, which is always a possibility, a new application submitted after the effective date of this Ordinance would be subject to the change. So, given the fact that this was the situation that brought the whole issue to our attention, we felt it would be foolish not to include the property in the zone change and I think that pretty much explains it. I probably have gone way too long.

President Slifka: I'm going to take the liberty of going first so I can get to make something clear if you have not already. I mean you tried to emphasize it but one of the, let's say maybe the most frustrating thing that I have felt in my time on the Council and I think it's reflected by my colleagues is when residents come to you asking you to act on something and you find out that you are powerless. Not that you're for it or against it but that you literally have no legal authority to act on their behalf. And, unfortunately, in this case with the proposed demolition, that is in play. I think you've made that clear but we, but sometimes in the public discourse, we find out that some of the ideas get comingled and the public thinks there's an expectation that we can act on something when we cannot. So I want to reiterate what you said before, which is this Ordinance does affect the demolition property, the properties that are proposed for demolition

but, in our passing it, if we are to do that later tonight, it will not stop the current applicant from doing it because that is not an item that will come before the Town Council, correct?

Mr. Alair: That's correct. You know, one of the, this happens very rarely but it does happen where we have a quirk in our Ordinances, which allows for a project to go forward, which the residents, the neighbors, maybe the Council don't like, so it's one of those oops we didn't see that one coming situations. You, some, many of you on the Council will remember the car wash on Park Road, which created a furor but two years later won Most Improved Property on Park Road Award, so they don't *always* come out as badly as, as people they're going to but, you know, I'm not suggesting that this is one of those cases but it does happen from time to time. State law is very clear that you are entitled as a property owner to the benefit of the Ordinance as it was in place when you submit your application and one of the things that makes West Hartford West Hartford is that we don't play around with things like that. We, we play that one down the middle. There are towns, which find themselves in Federal Court on civil rights complaints because they monkey around with things and try to get around rules like that but that's a very clear statutory requirement.

President Slifka: And just to follow up a slight bit more. I, for the record, I find and I've always found that proposed demolition of especially beautiful, older homes in town, it's not the first time we've seen it come before us in some fashion indirectly, is not something I support and I, frankly and I'm not trying to speak ill of the applicant but I find the prospect that these homes are going to be knocked down to be very sad and depressing. This is not, it's a bad result but what I have conveyed to you and to Mr. Van Winkle and to Mr. O'Brien and my colleagues behind the scenes, as you've looked at it, now much like the Park Road situation that you described, if the applicant chooses to go forward and we appreciate his interest and it is not meant to defame the applicant but we, if he chooses to go forward notwithstanding the, his proposed Ordinance change, and we wish him the best and hope it turns out all right but just to make sure that the residents of Bishop Road, in particular, who contacted us understand on behalf of all my colleagues that many have written or contacted us in other fashions in support of the proposed change. Others have also said I'm in favor of the change and then I ask you to go further and do whatever you can just to stop this. Do the right thing. You know, it's imperative. You know this is wrong. Step in and stop it. And what I want to, and Mr. Alair stated for the record on our behalf is that even if that's what we feel for better or for worse, we are unable to do something like that. There is no other option we can go to and, in particular with respect to demolitions, that is not something that particularly comes under our purview. Is that also correct?

Mr. Alair: Absolutely correct.

President Slifka: Okay. Is there anybody, before we move on in general, does anybody else want to touch that topic? Ms. Hall?

Councilor Hall: Also just maybe even backing up further, I think a lot of people are confused when does a zoning issue come before the Council in the first place, especially you have the SDDs that, so maybe you could just give the basics on that too.

Mr. Alair: Most of the time when the Council sees a zone change application, it is in the form of the Special Development District; a, an application by a developer to do something on a specific site that involves a, the creation of, in essence, a new zone called the Special

Development District. The Council also exercises its zoning authority by amending our Ordinances which, I mean, as you see and as you know, you have other Ordinances tonight that you're going to be doing that on. The third way and it's far less common is when we amend the Zoning Map and that is what you are doing tonight in this application or with this Ordinance that is before you and that is where you change the zoning classification for one, from one property or parcel, from one district to another for a parcel or multiple parcels and that's what you are doing. It's quite, it's relatively uncommon, simply because the whole idea behind zoning is to establish stability. It's to tell people this is what you can expect, so we don't changing districts on people willy-nilly.

President Slifka: Ms. Kindall?

Councilor Kindall: There are six properties affected by this proposed Ordinance and it'd be helpful, I think, for the public to know what those six properties are and also do we have any information as to what the property owners of those six properties, what their reaction was to this?

Mr. Alair: Sure. Let me say first of all, all of them are at the corner of Farmington Avenue, so I'm going to read the address on the side streets.

Councilor Kindall: They're one in from Farmington Avenue, right?

Mr. Alair: Excuse me, one in from Farmington.

Councilor Kindall: By definition, right?

Mr. Alair: Yes. I'm sorry. 10 Arlington Road, 26 Grennan Road, 8 Arnoldale Road and but I should, I should say what the change is. 10 Arlington Road goes from RM-3 (RM is always a multi-family zone) to R-10 (R is a single-family zone); 26 Grennan Road goes from RM-3 to R-6; 8 Arnoldale Road goes from RM-1 to R-6; 6 Bishop Road, which goes from RM-1 to R-10; 8 Walbridge Road, which goes from RM-1 to R-10; and 6 Lexington Road and 8 Lexington Road, there are actually two on that that are contiguous to be changed from RM-1 to R-6. So all of them go from a multi-family to a residential zone and it's the residential zone that is compatible with the rest of the street going down. And as for the second half of the question. As for the property owners' comments, I don't know if we've gotten comments from every property owner but I know that we've gotten positive comments from every property owner who has responded to us with the exception of the Bishop Road property owner.

Councilor Kindall: Thank you.

President Slifka: Mr. Captain?

Councilor Captain: Just wondering, in your description of one lot in, is Grennan Road an anomaly because it, depending on how you count your lots, it could be three or four in?

Mr. Alair: You mean because it's, oh, I see, 26 Grennan Road? I'd have to double-check the way the street numbers are counted. I believe attached to one version of this is with the map...

President Slifka: You know what, I think I can explain. I'm going to take, venture a guess at that that the first lot is actually a Farmington Avenue property.

Mr. Alair: I'm, I'm assuming that that's the case.

President Slifka: But...

Mr. Alair: And it, and it may, in fact, have been at one time a Farmington property and a property on Grennan Road that eventually got merged.

President Slifka: Thank you. Mr. Doar?

Councilor Doar: Mr. Alair, thank you. With the, coming back to the concern of the residents on Bishop, on Bishop Road, is it a fact that the current owner of 6 Bishop Road, who has applied for, to do the kind of work that he wants to do, which the neighbors object to...If that applicant were to sell the property today to another developer or to any other individual, does the buyer of that property have, what, what Zoning Map applies to the potential future if there were such an acquisition of the property?

Mr. Alair: Sure. Just to be clear about terminology here, I believe and I'm not certain about this, but I believe that the applicant who has submitted the application that's being reviewed by the Town Planner right now is a contract purchaser, not the current owner but has an option to purchase it, which gives him the right to pursue zoning ordinance and so it, just so we're talking proper terms, he may not truly be the owner. And ownership is not the issue, really. The issue was an application pending by somebody with a right to submit it at the time the Ordinance was adopted? If it was and if that, that application meets the requirements of the zoning ordinances, the Town Planner has no alternative but to approve. Again, it's a pretty clear law. If it's withdrawn, if it's denied because there is a violation of the Ordinance that's also clear, if it's abandoned in some way and the Ordinance change you're proposing tonight is adopted, then any application that comes in after the effective date of that Ordinance, which is 10 days after passage, would be subject to the new zone. And conveyance has...

Councilor Doar: A conveyance of the property, would that trigger which Ordinance would apply to the perspective purchaser and, if this property were conveyed to another party?

Mr. Alair: No. The conveyance, again, remember we're talking about a, a contract purchaser versus owner. If that conveyance goes through, it has no implications. It's, it's, the Ordinance or the application, excuse me, the application gets approved, it's approved, period, the end, it's done. Once the application or once the Ordinance is effective, if that application is still pending and that purchaser acquires the property, it's still done. If the Ordinance becomes effective, the application goes away, the Ordinance is effective as to the current owner or any future owner, so it's sort of two completely different issues, really; ownership versus application.

Councilor Doar: I hope I understand your answer right but I, all right, let me try to put it in my own words. There's a concern on, in the neighborhood. They don't want this to go forward. If there was a sale of the property too, would the, does the buyer of the property at that time have to resubmit an application for a multi-family? And if he did, he wouldn't be able to do it then because we've changed the law if we go ahead and pass this Ordinance tonight. Yes or no?

Mr. Alair: Putting, putting this application aside. If this application was not on the table, the answer would be yes; a purchaser of the property, once the Ordinance was effective, would have to come in, would submit an application and that application would no longer meet the requirements of the zone so it would not be approvable.

Councilor Doar: In this case, it would be assignable.

Mr. Alair: Yes.

Councilor Doar: In this case, to use a word that may not be right, but from my vernacular, it would be assignable?

Mr. Alair: The, the application's that pending, while it's still pending and chugging along, yes.

Councilor Doar: Okay. Thank you very much.

Mr. Alair: Okay.

Councilor Doar: Second question. Going back to your, your description of the history of this and the RM-0 designations on Farmington Avenue, why are there not more than just six properties that have this anomaly? Why wouldn't every abutter of all of those properties have to be changed in order to protect the, if that is the position of the Council...

Mr. Alair: Sure.

Councilor Doar: ...the quality of the properties going down these residential neighborhoods?

Mr. Alair: It, it's no more or less complicated than that's where the zoning lines were when we did the RM-0 zones. If you look at the zoning district along Farmington Avenue, for the most part, they are one lot deep. In a few cases, these few, they were two or in one case three lots. And in those quirky cases, when we changed from what was RM-1 to RM-0 in the case of Bishop Road, when we changed it, we only changed it one lot in. I mean, ironically, this application, even before the RM-0 zone was adopted, this application and I'd have to double-check to be 100% certain on this, probably would've been completely approvable because that lot was RM-1 just like the lot one in before the change and so you could've combined those two RM-1 lots and done exactly the same thing. And that goes, again, back to the, and specific to Bishop Road, the district boundary line has not changed since the 1924 proposed Zoning Map.

Councilor Doar: Okay. Thank you.

President Slifka: Okay. Anybody else? Mr. Davidoff?

Councilor Davidoff: Thank you. Mr. Alair, I just want to be clear I understand. So we've got six properties that are going either from RM-3 or RM-1 to either R-6 or R-10 zones? So the RM-1 and RM-3 zones that currently exist have been in place for how long?

Mr. Alair: We went to the...the current zoning classification system that we have R, RM and then the various other zoning districts we have in town was initiated in 1968. It looks like these properties all became in their current classifications, went to their current classifications, in '68 when we changed from a completely different set of districts. They were A, AA, AAA, B, C, D and then some districts, commercial districts, so it was a complete change in the way we regulated but there are parallels but the RM districts were 1968.

Councilor Davidoff: So for almost 50 years, these zones have existed the way they are, correct?

Mr. Van Winkle: Just to clarify, the original zones that were established in 1926 weren't called RMs, they were just given a different name but they were multi-family zones and so, you know, when we looked at apps for this, these properties of the 1920s, these properties were zones as multi-family under a different name, under a different zone, have been so for 90 years.

Councilor Davidoff: Okay.

Mr. Alair: That's correct.

Councilor Davidoff: So for 90 years, we have said that parcels here, it was acceptable for land use development that this would be okay for multi-family? Correct?

Mr. Alair: Correct.

Councilor Davidoff: Then in 2013 or 2012, an event arose where we decided that this isn't such a great idea because it encroaches upon abutting single-family, so that would be what this legislative determination is going to be tonight would be, well, we no longer think that it's a good use of the land to make it multi-family, that it would be more, a better use of the land for it to be single-family. Is that what an adoption of this brings us to the result?

Mr. Alair: That's just essentially it. That's the effective outcome. I think that the, if you want to look at it from a slightly more nuanced standpoint, when you adopted the RM-0 zone which, as I said, I think the Council's intent, if I, if I look back and I read the transcripts and nobody really articulated this very clearly, but the fact that it was planted on individual lots one at a time, leads me to believe that the intent of the Council was that it was supposed to be targeted at those lots. It wasn't supposed to allow for extension into the lot next door. Now, the fact that they all went from multi-family resident zones to the RM-0 zone may make me wrong. I mean, I could be wrong about that but the idea that we're trying to fix here is that that zone was intended to affect and protect and encourage development on those individual parcels and between that parcel and the RM-1 next door, you're now able to expand it. We're saying instead of expanding this way, expand the other way and make this individual lot compatible with the single-family residential home to the other side.

Mr. O'Brien: It also matches what is already built out in the area because there are several areas of Farmington Avenue where there have been multi-family buildings, large apartment houses for instance on Arnoldale, which have existed for 50, 60, 70, 80, 90 years and then there's other

areas where you have beautiful single-family homes and it's completely built out, so this matches what's built out in all respects.

Councilor Davidoff: I would concur that with the discussion about what was the intent when we implemented the RM-0 zone, so because the properties were becoming run-down and a way to spur economic development was to have offices on the first floor and then have housing on the second or third floor, I would concur. Now, with respect to the expectation of somebody who lives or abuts this zone, let's just take any of these, it could be Lexington, Walbridge, so if you live in a, just, I'm just talking layman's terms, so if you live in a single-family home that's per certain square foot, frontage, side yard, and everything else, lot size, I think, are we saying that people have the expectation that most of the houses that would be on their street would be of a similar nature as the one that they purchased and there's a perception that the value of their home would fluctuate, possibly negatively, if their home was located next to a multi-family home rather than to a similarly-situated single-family home. Is that fair?

Mr. Alair: I think that's certainly the concern that we've heard largely from the folks on Bishop Road, that, that...you have a house in a single, in a multi-family zone but it was built as a single-family home zone, a single-family home, so you have people whose expectation is based on what they see not what they look at on the Zoning Map. But if you look at the Zoning Map, that's a multi-family zone and, legally, that's the expectation that folks should have had.

Councilor Davidoff: But, but I think, one could make the argument that it would be hard to conclude that the value of one's property because it's not of the same zone as the abutting property is negatively or positively impacted based on what we assume...

Mr. Alair: I think that would be a hard thing to...

Councilor Davidoff: Correct?

Mr. Alair: ...establish.

Councilor Davidoff: So and I just want to make certain I understand what the intent of going through these zones, these particular parcels we've identified, all of what we consider to be the anomaly parcels, is so that we're addressing the concerns of residents who are...not satisfied or dissatisfied with the possibility that a multi-family home could be located next to their single-family lots. I guess that's what the intent is.

Mr. Alair: Essentially, yes.

Councilor Davidoff: Right?

Mr. Alair: Yes.

Councilor Davidoff: So, in essence, it's a public policy decision as to whether or not we think it's a good idea or bad?

Mr. Alair: Correct.

Councilor Davidoff: Okay. Thank you.

President Slifka: Anybody else? Okay. Mr. Alair, since you had wrapped up the presentation but I didn't know if you'd actually been...

Mr. Alair: I have nothing further.

President Slifka: Okay. Okay. We, it's time for the public comments, so if you could grab the signup sheet. Okay. Everybody has three minutes to speak and the first speaker is Priscilla Mulvaney.

Priscilla Mulvaney: Do I hold this all the time?

President Slifka: That's good.

Priscilla Mulvaney: Good.

President Slifka: No, you don't have to hold it. It'll stay on. And if you, I'm sorry, for everybody, if you could just please state your name and address for the record.

Priscilla Mulvaney: Sure. Priscilla Mulvaney, 11 Bishop Road. I do have, I've written a copy to submit for the record. Who do I hand that to? Okay. So, as I said, my name is Priscilla Mulvaney. I live at 11 Bishop Road with my husband, John. John is not able to be here tonight with me. He did ask me to speak at the Public Hearing on behalf of the two of us. Not only do we live in West Hartford but I also work here at the University of St. Joseph. My husband and I are both in favor of the Town's proposal to amend the Zoning Map to change #6 Bishop Road from RM-1 to R-10. We believe that it is necessary to rezone this parcel of land to provide a better buffer for the neighborhood from multi-family and/or commercial buildings fronting on Farmington Avenue. We believe that we have a unique perspective on this issue because of the location of our house. We live directly next to the condominium development at 3-5 Bishop Road. That's on the northwest corner of Bishop and Farmington. The parking garages for those condos parallel our driveway and essentially sit at the property line. Past the garages is the condo driveway and the parking areas and then the building itself. Looking to the north from our home, our view is dominated by a brick wall, the brick wall of the garages as well as Lumen Condominium building back from that. In essence, our home is in the same position of that as #6 Bishop Road would be in terms of providing a buffer from the rest of the development for multi-family or commercial development at Farmington Avenue and Bishop Road. With the proposed rezoning, #6 can serve to buffer the neighborhood as our lot does. As you have heard from Attorney Alair, it is not far-fetched or hypothetical to believe that multi-family development is possible at the northeast corner of Farmington and Bishop. Indeed, the development is imminent. Everyone in the Bishop Road neighborhood is painfully aware of the multi-family development proposed by KWK Bishop, LLC for #2 and #6 Bishop Road at that corner. KWK's development provides ample evidence of the need to provide a better transition for the neighborhood from the RM-0 zone at Farmington and Bishop. I ask that the Town Council

incorporate the record of that site plan application, #1244 for 2-6 Bishop Road, into the record at this Public Hearing. By incorporating the site plan application record, the Zoning Map amendment application will have evidence of the type of development that can be permitted to be built on the edge of a long-established, single-family residential neighborhood such as ours. I appreciate the opportunity to provide you with our comments tonight and I would just want to say one more thing in terms of the intent of your Ordinance because there was some discussion about that and one of the intentions of the Ordinance, it seems to me, is stated in one of your 'whereas' clauses, which is preservation of established neighborhoods. So at the time the RM-0 zone was put in, it's quite likely the Bishop Road was an established neighborhood at that point in time. Maybe not in 1924 but, certainly, by 1968, it was a road built for single-family roads so, again, I really appreciate your taking my comments into consideration. Thank you.

President Slifka: Thank you. The next speaker is John Feehan.

John Feehan: Well, my question was answered and I have no further comment

President Slifka: Okay. Thank you very much. Then Carol Gerjuoy

Carol Gerjuoy Hi. My name is Carol Gerjuoy. As you stated, I live at #8 Lexington Road. I came actually more to get information than to speak and I think my position has a little been misstated in that when I called the zoning office last week, I was looking for what the intent was and what, you know, what was behind this initiative to change the zoning, so I didn't actually give a vote at that time but was glad to have some information coming to me. I had also come to find out tonight what the process is, thinking that there was, which I think has been answered in terms of tonight, that there will be a vote on this after the hearing when you have your regular Council meeting and I had hoped to be able to bring this back to my family and, and talk since my husband also is not able to be here tonight. I think our property is a little bit different situation than some of the others because it was actually, when, when we purchased the property, it was actually the third house in from Farmington Avenue and about, more than 30 years ago, the property on the corner, which I believe was owned by the Synagogue, by Temple Beth Israel was knocked down, so we're a little bit further removed from Farmington Avenue. I don't know if that makes any difference to it's being actually in this conglomeration of properties within this zone. So I'm not having a terrible knee-jerk against the proposal and, basically, was, am concerned about any of our options in the future and, again, not that we're developers and wanting to go ahead and develop the property but if, for instance, we had, our home would become a two-family and that would become attractive to a buyer. I'm assuming that that now, with the change, that would not be a possibility. Is that correct? I mean, it would, it would stay as strictly a single...

President Slifka: Mr. O'Brien?

Mr. O'Brien: Well, yes. What you'd have, if this is adopted, your home would be in full compliance with the new zone but there'd be no potential to develop it in the future as a multi-family dwelling.

Carol Gerjuoy: Right. Okay. So the vote will be taken tonight after, in your regular Council meeting. Is that correct? It'll be passed?

President Slifka: Presumably, if we, if we, if we closed the Hearing and moved to the meeting, I would anticipate we would vote on it tonight, yes.

Carol Gerjuoy: Okay. Thank you, thank you for your comments and the education that I received tonight. Thank you.

President Slifka: Thank you. Next is Robin Pearson.

Robin Pearson: Good evening, Mr. Mayor, members of the Town Council. I am in an unusual situation tonight to be speaking from this podium. And I'm here on behalf of KWK Bishop, LLC, who asked that I come and address you with regard to this proposed change that affects property it currently owns, 2 Bishop Road, as well, well, to the extent it has implications in the future and also specifically with regard to 6 Bishop Road, for which the zone change is requested. I'd like to provide you with another perspective as you look at this and raise an issue, which I think you might want to take into consideration as you consider whether or not this is appropriate at this time. I think, given the shortage of time left to me, probably the best thing to do and most efficient is to actually just go through this letter and basically read it to you. What I'd ask that you do, though, once I do that is keep open the map that is attached to this, that shows the area zoning and I think it's helpful to refer to it as I go through my letter. We, this office represents KWK Bishop, LLC and two representatives of that group are here this evening here with me tonight, owner and contract purchaser of property consisting of 2 and 6 Bishop Road respectively in West Hartford. KWK Bishop, LLC has recently received approval from the town to consolidate those two lots and they're outlined in yellow on the plan that you have, 2 and 6 Bishop Road, into one parcel and, based on that approval, KWK has applied for a site plan approval for a multi-family structure on the consolidated parcel, which application is currently pending with the Town of West Hartford. Accordingly, KWK has requested that we apprise you of its opposition to the proposed rezoning of that portion of the consolidated parcel now zoned RM-1 for multi-family use to R-10, single family. As currently zoned, KWK's consolidated parcel is subject to two zones; RM-0 for the portion fronting on Farmington Avenue and Bishop Road and RM-1 for the portion fronting entirely on Bishop Road. A multi-family development is allowed in both zones and the standards to which such a multi-family development must adhere are exactly the same for each zone. In other words, the zoning code for the Town of West Hartford has arguably long acknowledged the appropriateness of such a development at this location by virtue of the existing zoning scheme. One need only look at the attached location map, which shows a number of similarly situated, large-scale multi-family developments in the immediate Farmington Avenue and Bishop Road vicinity to underscore that the current zoning specifically intends to allow such structures. The current zoning that allows the RM-1 portion of the property to be consolidated with and developed together with the RM-0 zoned portion for larger scale multi-family use was neither a mistake nor inconsistent in any way with the development in this area along Farmington Avenue and deep into the adjoining side streets and that was underscored by the information that was put into the record tonight, that multi-family housing for these zones has been in place in one, under one name or another for over 90 years. So this is not a new situation that my client came to and my client looked at the available zoning

and the properties in town and believed that the proposal that they currently have pending with the Town made sense, was consistent with zoning, was not something that was going to be as unsettling as it has turned out to be, and that is understandable for those who reside on Bishop Road but, nonetheless, it's not in an inappropriate, illegal, or unconscionable proposal in any regard. The zoning accommodates that and has accommodated that multi-family use along this corridor for many decades. KWK Bishop, LLC requests that the current zoning for its consolidated parcel be allowed to remain in place. Unlike the other properties for which the rezoning is proposed, KWK's consolidated parcel fronts on Farmington Avenue by virtue of the approval that it's already received. Again, by reference to the attached location map, one can clearly see that the ability to build multi-family housing on the consolidated parcel is appropriate and wholly supported by the comprehensive plan and, as you know, the comprehensive plan is indeed the existing scheme of zoning that's in place, as a larger parcel is needed to accommodate the larger size of such structures. For those properties fronting on Farmington Avenue, such as the situation with KWK's consolidated parcel, the additional lot depth is necessary for a larger structure. All you need to do is look at the property right across the street on Bishop Road to see that that is the case. That is a multi-family development, longstanding, according to zone, same as the zoning that's in place for these two particular properties. Prior to 1989 when 2 Bishop Road was zoned RM-0 to allow office use, both 2 and 6 Bishop were zoned RM-1 and could always have been consolidated for a larger-scale multi-family building compatible with the development around them. The change to single-family is contrary to the longstanding zoning designations allowing for significant multi-family housing along the Farmington Avenue corridor. Multi-family housing has served the West Hartford community well over the years. Indeed, the rezoning of this particular parcel seems at odds with the renewed interest statewide in the development of multi-family housing in CT communities to offer various housing options, add vitality, and to support the retention of a younger population attracted to multi-family housing configurations, particularly along bus routes and in areas where it is already well-established. That is certainly the situation at this location and why the consolidated parcel is imminently suited for the multi-family development for which it is currently zoned and a site plan application is pending. Therefore, KWK respectfully requests that the RM-1 portion of the consolidated parcel currently identified as 6 Bishop Road be eliminated from this rezoning initiative and allowed to remain RM-1. This would be consistent with its historical zoning designation and its potential development for multi-family housing in keeping with the long-established uses in the neighborhood area. And I add another thought and that is once the application was submitted for the site plan development and it was clear that there was significant opposition to that, I discussed with my client the possibility of finding a way of making this development something that might be more pleasing to the neighborhood. One way of doing that, based on the interpretation that Town Staff has determined with regard to how, when you have a multi-zoned parcel, you have to have each side of that zone be developed in compliance with the zone so that even though the whole parcel consolidated is RM-1 and I would argue that you could situate it on the site in such that the entire parcel meets the RM-1 designation, I'm sorry, front part is zoned RM-0, so right now the argument is that front portion has to meet all the zoning qualifications or standards on its own and that, the southern half has to meet also all the zoning qualifications on its own. I will tell you what that has done and the first speaker this evening asked the site plan application be placed into the record because of concerns for how it looks or feels. It makes for a somewhat contorted development layout. I think the most appropriate layout for this site would be able to move the multi-family development up to

Farmington Avenue closer and further away from the neighborhood in the back and, certainly, develop as many amenities as possible to make it fit in well with other multi-family development in the area and the neighbors behind it. One way of doing that that I have discussed with my client is the possibility of coming back in, presuming the site plan application at some point is approved, with an application to the Town Council for a Special Development District, which would allow relaxation of those zoning standards and allow the multi-family development to be a better development, to be closer to Farmington Avenue, to fit better on the site, to provide different open space more conducive to the neighborhood but if this zone change is, goes into effect, that will not be a possible option because, for an SDD application to come before you, the uses have to be permitted in the underlying zone. So if the rear of the property, while it may be approved for multi-family development is now zoned for single-family, then it would not be possible to even bring an SDD application to you. So it's something I ask you to consider. I commit on the record that my client is willing to do that should the site plan application be approved, trying to find a way to make a difficult situation by both sides. My client feels badly that people are not pleased with what it proposes to do but it's something that the zoning regulations allow and, indeed, I think, as evidenced by the build-out in this corridor. Indeed, right across the street is appropriate for this location but, nonetheless, I can understand the pain that it is causing but we lose a potential vehicle for making this as palatable as possible if you effectuate this zone change now. One possible option would be to postpone a decision...

President Slifka: Ms. Pearson, we've let you go on because you're representing a group but we've now exceeded that time.

Robin Pearson: Then I'm ready to close and I'll just say...

President Slifka: Okay. Thank you.

Robin Pearson: ...you might wish to consider postponing a decision for the rezoning in the immediate future for the R-6 portion and, perhaps, take it up at another date if indeed then it seemed appropriate to do so, so that we don't lose the Special Development District option. Thank you.

President Slifka: Thank you. The next speaker is Jay Costello. Mr. O'Brien, go ahead.

Mr. O'Brien: I, I just wanted to make a comment and I am willing to stand corrected by either Attorney Alair or Attorney Pearson but I believe if the zone change was approved, you could still come in for a Special Development District but you'd have to, as part of your application, seek a change back to the multi-family zone on the rear lot but I think you could still come in to the Council with a Special Development District and if I'm wrong, please correct me but I think I'm correct on that.

Robin Pearson: No. You're absolutely right. You could come back in to ask for it to be rezoned. It would just be an unusual situation to be so closely following the rezoning the other way to request it to be changed. But duly noted. Thank you.

President Slifka: Mr. Costello?

Jay Costello: Good evening. My name is Jay Costello. I live at 15 Bishop Road. I guess one of the, I'll start off with one of the big differences that the previous speaker artfully dodged here is that currently there are single-family houses on both of those lots and allowing multi-family, particularly a multi-story, we're not talking about a three-home, three-family home here, we're talking about an apartment building essentially, but allowing that to infringe into a single-family neighborhood means you're going to tear down two single-family houses and poor Joe Bucheck who's going to live next door to this is going to look out his kitchen window forevermore and see this three-story wall. So I think that's a big difference, particularly as to why this is not appropriate in this particular, in Bishop Road particularly. Unfortunately, it may be too late for Bishop Road. I say *may* because, certainly, I and the neighbors have not given up that fight yet but I think allowing removal of single-family homes and allowing multi-family development to infringe into this single-family neighborhood is a bad idea. Back in the late 80s I guess it was, I remember coming to meetings about allowing development of some kind on one lot into Bishop Road and several of the other streets. It was a bad idea then and it's still a bad idea now. Why these single-family lots were zoned that way in the first place, why they were allowed to continue that, particularly past those meetings back in the 80s, I would've thought a zone change would've been made. Certainly I didn't catch it, but why that was left is unclear but it's clear that Bishop Road is probably going to pay the brunt of that for that oversight. So I think also allowing these parcels to be consolidated is also a terrible idea. I don't think the developer owns both of those. I don't know if there's a reason that he has to combine those or not but I think that's a bad idea because then you will not be able to, there's still going to be an issue here with the single-family with these combined lots as to what zone is that, so I think that's a bad idea as well. I urge you to pass this Ordinance and include Bishop Road in it when you do. Thank you.

President Slifka: Thank you, Mr. Costello. That concludes the signup sheet. Was there anybody who did not sign up who wished to speak to this Ordinance? Okay. Seeing none, I'll read in for the record several items. A letter dated January 9, 2014 from the Town Planning and Zoning Commission recommending approval. Referral to DRAC was not necessary and referral to CRCOG was not necessary, as the Zoning Map Amendments being proposed do not contain property within 500' of any municipal boundary. If there's nothing else, Mr. Davidoff?

Councilor Davidoff: I'm sorry. I just have one question that is unclear. The resident who spoke from 8 Lexington Road, I was unclear as to her position as to whether or not she was in favor or her parcel being rezoned or not in favor and that was not clear from her..so I don't know if we could...

President Slifka: Are you asking me to discern that? I don't think I'm qualified. [Laughs] We could ask you to come up...

Councilor Davidoff: I, I, because I'd like to ask her...

President Slifka: If you'd like to clarify, please come up.

Carol Gerjuoy: Yeah, I didn't leave yet. I'm a little bit on the fence because I, as I said before, I came thinking that I was gathering information and weighing things out and then being, and having a chance to, to respond accordingly and the other issue that I, that I brought up was that I'm not, I don't see, I see our property as a bit aberrant from the others because, as I said, it was a

little further in and it was, it was actually the third from Farmington Avenue until the other one was knocked years ago, so I, I understand the concept. I'm not sure that our property actually should be in it but it is. That's a decision that's been made and I will, I certainly feel better prepared now to, you know, to mull things over but I, I don't, I actually don't have a firm position at this particular point. It's a matter of how it would play out for me, for us in the future and, of course, our being older, we're not going to be there for decades and decades. My husband is 84-years-old so, you know, this is probably something that's going to impact other people a lot more. I do appreciate the residential nature of our block and, actually, we do not have any two families as far as I know on Lexington Road. There is the apartment building across that faces on Farmington Avenue but then it's not an apartment building and then two families in another segueing into single-families. It's all single families, so I appreciate the quality of the neighborhood and so, at this point, I can just say I'm, I don't think our property actually is, is necessarily appropriate for this particular zone change but I, I think you'll make a fair decision.

President Slifka: Thank you, Ms. Gerjuoy. Thank you. Thank you, Mr. Davidoff. Anything? Mr. Van Winkle?

Mr. Van Winkle: I participated with the Farmington Avenue East Task Force in the late 1980s when we looked at this rezoning. I would apologize to the neighbors on Bishop Road. I don't know how we missed this. I'm clear, it's clear to me that in, at that time, had the Farmington Avenue East Task Force realized that that first house in, that beautiful West Hartford home could've been taken down for some other purpose, they would've supported a zone change. We stood in front of that brick home that is on Farmington Avenue. It was partially used as a business of a, of an insurance broker who lived in that house and so we decided to rezone that to make that business legal within the zoning code. Somehow, when we looked at that neighborhood and that zoning, we never looked beyond that first house on the street. It just never came up. Jay Costello referred to it as... I don't remember ever even

having that discussion but I remember well the intent of the Task Force and in the creation of the RM-0s, the intent was to preserve the residential neighborhood, so I erred back in the late 1980s when I, I didn't find the information that was necessary for the Task Force to act, which is sort of why we're in this position today and why we spent a lot of time going back finding each of these properties along Farmington Avenue, to make sure that we correct that error.

President Slifka: Thank you, Mr. Van Winkle. Anything further? Okay. With that, we will close the Public Hearing.

Public Hearing was closed at 7:50 p.m.

Essie S. Labrot
Town Clerk/Council Clerk

ESL/dd